

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 7450 of 2005

Between:

Gundu Srinivas Rao, s/o Sri Subbulu,
r/o Sivalayam Street, Venkatagiri Mandal of Nellore District.

..... PETITIONER

AND

1. The District Collector, Nellore District at Nellore.
2. The Revenue Divisional officer, Guduru, Nellore District.
3. The Mandal Revenue Officer, Venkatagiri Mandal of Nellore District.
4. The Deputy Executive Engineer, Roads & Buildings Department, Venkatagiri Division, Nellore District.
5. The Commissioner, Venkatagiri Municipality, Venkatagiri Town, Nellore District.
6. Sri Gundu Subba Rao, s/o Venkataswamy, r/o Kasipeta, Venkatagiri, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction more in the nature of Writ of Mandamus declaring the action of the respondents 1 to 5 in not demolishing the structures raised already and in not evicting the Respondent No.6 from the site situated in Survey No.109/10 of Periyavarem Agraharam (Kalva Poramboku) as illegal, arbitrary, unjust and unconstitutional, besides being violative of principles of natural justice; while issuing a consequential direction to the respondents 1 to 5 to evict the respondent No.6 and

to demolish the structures raised in Survey No.109/10 of Periyavarem Agraharam of Venkatagiri Municipality, Nellore District, while evicting the respondent No.6 in the interests of Justice.

Counsel for the Petitioner:MR.D.GOVARDHANACHARY

Counsel for the Respondent Nos. 1 to 4: GP FOR REVENUE

Counsel for Respondent No.5: Mr.S.Nageswara Reddy

Counsel for Respondent No.6: Mr. P.Ganga Rami Reddy.

The Court made the following :

ORAL ORDER:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

Counter-affidavit has been filed. The grievance of the petitioner was that Respondent No.6 was making construction over a land, which pertains to the Government and was part of a canal. In the counter affidavit, it is stated that Respondent No.6 is making construction over a piece of land, which he has purchased from original patta-holder and it is a patta land and not the canal land.

The learned counsel for the petitioner, however, submits that the patta land is an adjacent land and not the land on which the Respondent No.6 is making construction.

These are questions of fact, which we cannot go into in this writ petition. However, it may be noted that the Mandal Revenue Officer has stated in his affidavit that a survey was conducted on 30.6.2005 by the Mandal Surveyor and during this survey it was found that Respondent No.6 was making construction over patta land purchased by him through sale-deed from the original pattadar. In this view of the matter, no relief can be granted to the petitioner. The writ petition, therefore, is dismissed.

BILAL NAZKI, ACJ.

19.7.2005.

G.CHANDRAIAH, J.

VR.

To

1. The District Collector, Nellore District at Nellore.
2. The Revenue Divisional officer, Guduru, Nellore District.
3. The Mandal Revenue Officer, Venkatagiri Mandal of Nellore District.
4. The Deputy Executive Engineer, Roads & Buildings Department, Venkatagiri Division, Nellore District.
5. The Commissioner, Venkatagiri Municipality, Venkatagiri Town, Nellore District.
- 6) Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).
- 7) **2 CD copies**
- 8) 1 CC to MR.KALLAKURI SRINIVASARAO
- 9) 1 CC to MR.GOVARDHANACHARY

*Form-NIC-OGS/WP{**RS**}*